

**CITY OF RICHMOND HILL
STATE OF GEORGIA**

Ordinance No. ____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF RICHMOND HILL, GEORGIA AMENDING ARTICLE VI OF THE ZONING ORDINANCE, “SIGNAGE REGULATIONS;” PROVIDING FOR AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Section 1. It is hereby ordained by the Mayor and Council of the City of Richmond Hill that Article VI of the Zoning Ordinance, “Signage Regulations”, be amended by removal in its entirety and replacement with the following:

ARTICLE VI

SIGNAGE REGULATIONS

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NOTE: Applicants are strongly encouraged to meet with the Architectural Review Board prior to submission of a sign permit application to discuss design concepts or present a preliminary design for discussion with the Board. Such discussions shall not be binding on the applicant or the Board and no official action will be taken by the Board regarding the discussion or presentation. Placement on the Board’s agenda shall be scheduled through the zoning administrator.

Section 1. - Findings, purpose, and intent.

(a) *Statement of Legislative Purpose.*

- (1) The mayor and council recognize that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. However, left unregulated, signs can become a threat to the public health and safety as a traffic hazard, as a detriment to property values, and as an aesthetic nuisance affecting the overall economic growth of Richmond Hill. Numerous professional studies have been prepared that examine and establish the effect of signs on traffic safety, aesthetics and economic prosperity, including the following:
 - a. Klauer, S.G., T.A. Dingus, V.L. Neale, J.D. Sudweeks, D.J. Ramsey. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." National Highway Traffic Safety Administration. DOT HS 810 594. April 2006.
 - b. Snyder, Jonathan, Samuel S. Fels Fund. "Beyond Aesthetics: How Billboards Affect Economic Prosperity." December 2011.
 - c. Wachtel, J., 2009. "Safety Impacts of the Emerging Digital Display Technologies for Outdoor Advertising Signs." Prepared for AASHTO and the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP), April 2009. The Veridian Group, Inc., Berkeley, California.
 - d. Weitz, Jerry, Ph.D.,AICP. "The Public Purpose of Rowell's Sign Ordinance and the Implications of Doing Without It: A Position Paper." December 7, 1999.
- (2) Based on a review of the cited materials and the studies referenced therein as well as other related studies, the mayor and council find that unregulated signs:
 - a. Can be a safety hazard to drivers and pedestrians;
 - b. Can be a detriment to the public health;
 - c. Can hamper economic growth;
 - d. Can lower property values;
 - e. Can adversely impact public investments;
 - f. Can degrade the utility of public safety signs; and
 - g. Can adversely impact the aesthetic quality of the community and surrounding environment.

(b) *Findings of fact.* The mayor and council find that:

- (1) Signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. However, an improperly regulated sign environment imposes health and safety dangers to the public;
- (2) The result of effective sign regulation will be to lesson hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrians and vehicular traffic;
- (3) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly and safely designed business environment;
- (4) Through proper regulation of signs, the aesthetic attractiveness and economic well-being of the city will be enhanced as a place to live, work and conduct business.
- (5) Concerns about aesthetic and safety issues as balanced with concerns about freedom of expression or speech are reasonably promoted in the City of Richmond Hill by the provisions of this ordinance.

- (6) Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this Ordinance, the provisions of this Ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners. Holiday decorations such as strings of light are not signs, but rather seasonal ornamentation not controlled by this Ordinance.
- (c) *Purpose and intent.* The purpose and intent of these sign regulations are:
- (1) to promote the mental and physical health, safety and welfare of the public by providing for the orderly and harmonious display of signs within the community;
 - (2) to maintain and enhance the aesthetic environment by minimizing visual clutter, encouraging a positive visual environment, and avoiding the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment;
 - (3) to provide for the safety of the traveling public, both vehicular and pedestrian, by limiting distractions, hazards, and obstructions;
 - (4) to maintain the city's ability to attract sources of economic development and growth and to aid in the identification of properties and enterprises for the convenience of the public;
 - (5) to protect the historical character of the city;
 - (6) to encourage the effective use of signs as a means for communication in the City of Richmond Hill by allowing the maximum amount of expression or speech consistent with the compatibility of such expression or speech with other land uses and with the aesthetic and public health, safety and welfare concerns which the City of Richmond Hill is charged by law and the Georgia Constitution with preserving and protecting;
 - (7) to enable the fair and consistent enforcement of these sign regulations while supporting the policies contained in the Comprehensive Plan.
- (d) *Applicability.*
- (1) *Signs that are regulated.*
The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of private property, except as otherwise exempt under this Section.
 - (2) *Signs that are exempt from regulation.*
Each of the following types of signs are allowed on any property and are exempt from the restrictions imposed by this Article:
 - a. *Official governmental signs.*
Official governmental signs are signs placed by or at the direction of a governmental body, governmental agency or public authority, such as but not limited to traffic signs, signals or regulatory devices or warnings; official emblems, public notices or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; signs announcing or providing directions to a government sponsored event; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental

body, agency or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.

b. *Property address numbers.*

Property address numbers are required by the city and therefore considered “official governmental signs.” Such numbers shall be displayed on at least one of the following: a building, sign or mailbox on the pertinent property; and shall consist of minimum size lettering as follows: 3 inches in height on a mailbox, 4 inches in height on a single-family residential building, 6 inches in height on a freestanding sign, and 8 inches in height on a multi-family or nonresidential building. Addresses on buildings shall be placed on the façade facing the street to which the address pertains.

c. *Incidental signs.*

- (3) Seasonal and holiday decorations that convey no commercial messages are not considered signs and are therefore not regulated by this Article.
- (4) Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.
- (5) A building design or color that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.
- (6) Window signs placed behind or inside a windowpane or glass door of a nonresidential use are exempt from these sign regulations.
- (7) Banners mounted on a pole, otherwise known as “Quill Flags,” are exempt from these regulations to the extent that one per business or tenant is allowed. Such pole-mounted banners must be located no closer than 10 feet from any street right-of-way or other property line, and may be no larger than 24 square feet in area nor be more than 8 feet in height. Such pole-mounted banners must be maintained in good physical condition with no tattered edges or tears, and must be stored indoors when the owner’s establishment is not open for business.



Section 2. - Definitions.

For the purpose of this Article, the following words and terms shall have the meanings respectively ascribed, in addition to the definitions contained in Article II of this Zoning Ordinance. If the same word or phrase is defined in this Article, below, and in Article II, the definition contained in this Article shall be taken as the correct definition and applied throughout this Zoning Ordinance.

Aggregate sign area means the combined sign area of all signs of a particular category on a single parcel. For example the aggregate sign area of all freestanding signs on a parcel is the sum total of the sign areas of all freestanding signs on such parcel.

Animated sign means a sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by mechanical means such as the blowing of air or motorized parts, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (light emitting diode) screen or any other type of video display, even if the message is stationary.

Architectural review board: A body of people appointed by the local governing authority whose responsibilities include guidance and recommendations regarding the design and aesthetic qualities of the natural and built environment, including such townscape elements as landscaping, buildings and signs.

Architecturally treated means a structure that is constructed of or covered with such materials as brick, stone, painted or treated wood, or stucco, or covered with artificial representations of such materials that are visually undistinguishable from the natural materials and have a life expectancy of at least 20 years.

Banner means a sign of fabric, thin plastic or similar lightweight material that is mounted to a pole or a building at one or more edges and is intended or displayed as commercial speech. Flags shall not be considered banners.

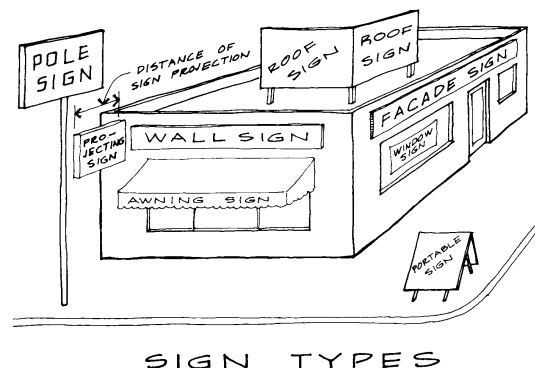
Beacon means a stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Bench sign means any bench or structure whose primary purpose is for sitting upon which a message is displayed.

Billboard means a freestanding sign with a display surface area of more than 300 square feet.

Building marker means a sign composed of concrete, bronze or other permanent material which is built into the surface of the building at the time of its construction and does not exceed six (6) square feet in area.

Building sign means a sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, window, door or roof of a building. The term "building sign" includes but is not limited to the following:



- (1) *Awning sign:* A sign imposed, mounted or painted upon an awning.
- (2) *Canopy sign:* A sign imposed, mounted or painted upon a freestanding canopy, as defined herein.
- (3) *Mansard sign:* A sign imposed, mounted or painted upon the fascia portion of a mansard roof.
- (4) *Marquee sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building.
- (5) *Parapet sign:* A sign imposed, mounted or painted on a building's parapet wall.
- (6) *Projecting sign:* A sign affixed flat to a wall and extending more than 24 inches from the surface of such wall, or any sign attached to and extending at an angle from a wall surface (usually perpendicular).

- (7) *Roof sign*: A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building (other than the fascia portion of a mansard roof).
- (8) *Under-Canopy sign*: A display attached to the underside of a marquee or building canopy and protruding over public or private sidewalks.
- (9) *Wall (or façade) sign*: A sign that is fastened directly to or is placed directly upon the exterior wall of a building façade or building canopy, with the sign face parallel to the wall or canopy face, and extending from the surface of the wall or canopy face no more than 12 inches. Wall signs shall not project above the top or end of the wall or canopy.
- (10) *Window sign*: A sign that is placed on, behind or inside a windowpane or glass door and intended to be viewed from outside the building.

Business park means one (1) or more buildings located on property in common ownership, management or operation, units of which are owned, leased or rented primarily for office, institutional or light industrial purposes.

Canopy:

- (1) *Building canopy* means a permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements.
- (2) *Freestanding canopy* means a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Changeable copy sign means a type of animated sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Changeable copy signs include the following types:

- (1) *Manually activated*: A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered by placing such letters or other message elements directly on the sign face by hand.
- (2) *Electronic*: A sign whose alphabetic, pictographic, or symbolic informational content can be changed and is displayed electrically or electronically.

Channeled letter signs refers to signs that have their letters cut out of the sign face or raised above the sign face, described as:

- (1) *Internally channeled letters*: Letters or other symbols cut into a sign face and located above a recessed background surface, often *designed for the background surface to be illuminated by an artificial light source*.
- (2) *Reverse channeled letters*: Letters or other symbols raised above a background surface designed to be illuminated from behind and within the letters or symbols by an artificial light source.



Commercial speech means the expression of an idea, opinion or message that directs or attracts attention to a business operated for profit; or to a product, commodity or service for sale, trade, barter, swap or lease; or to any other commercial interest or activity.

Display surface area: See sign face.

District or zoning district means a section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land is uniform for each class of use permitted therein.

Double-Faced sign means a sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Erect means to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall and window signs.

Festoons means strings of light bulbs and strings of ribbons, tinsel, pennants, streamers, pinwheels or other similar devices designed to move in the wind.

Flag means a sign made of paper, woven natural or synthetic fabric, thin plastic or similar lightweight pliable material that is normally displayed by flying from a pole as a wind-activated device and is displayed as personal, noncommercial speech.

Freestanding canopy: See under “canopy.”

Freestanding sign means a sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary. The term “freestanding sign” includes but is not limited to the following:

- (1) *Pole sign:* A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and such supporting stanchions or columns are each less than 25% of the width of the sign body.
- (2) *Column sign:* A sign that is mounted on one or more freestanding stanchions or columns such that the sign body is elevated above the ground by such supporting stanchions or columns, and such supporting stanchions or columns are each 25% of the width of the sign face or more.
- (3) *Monument sign:* A freestanding sign in which the entire bottom of the base of the sign structure is in contact with the ground, providing a solid and continuous background for the sign from the ground to the top of the sign structure. The base of a monument sign must be as wide as or wider than the sign body.
- (4) *Hybrid monument sign:* A freestanding sign in which the entire bottom of the base of the sign structure is in contact with the ground, but a solid and continuous background for the sign from the ground to the top of the sign structure is not provided. The base of a hybrid monument sign must be as wide as or wider than the sign body.

Illustrative Examples of Freestanding Signs by Type

The following are types of freestanding signs that are allowed under these Sign Regulations:



Monument Sign



Monument Sign



Monument Sign



Monument Sign



Hybrid Monument Sign



Hybrid Monument Sign

The following are types of freestanding signs that are not allowed under these Sign Regulations:



Pole Sign



Pole Sign



Pole Sign



Column Sign



Column Sign



Pole Signs

Ground cover means low growing, spreading plants, other than turf grass, such as but not limited to ivy, liriope, juniper, mondo grass or sedge.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Illuminated, external means illumination so arranged that the light source is external to the sign and directed toward the sign. Also known as “indirect lighting.”

Illuminated, internal means illumination so arranged that the light is contained behind the face of the sign and no lighting source is directly visible exterior to the sign. Also known as “direct lighting.” See also “channeled letter signs.”

Incidental sign means a small sign, emblem or decal no larger than 1½ square feet in area. Such signs are normally located on doors, windows and gas pumps or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way. Although the message on the sign is not regulated, the following are examples of incidental signs:



Inflatable sign means a sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Joint sign means a sign which serves as a common or collective sign for a group of persons or businesses operating on the same parcel (e.g., shopping center, office complex, etc.).

Kiosk means a freestanding sign structure, usually cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.

Landscape materials means any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Architectural Review Board may also be used.

Lease means an agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain a sign upon his property.

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. LED signs are considered to be a form of electronic message centers.

Lot means parcel.

Mansard roof means any roof that has an angle greater than forty-five (45) degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters (3/4) of the length of a side building wall. For purposes of this Article, a low slope roof shall mean any roof with a pitch less than three (3) inches rise per twelve (12) inches horizontal.

Marquee sign: see under “building sign.”

Miscellaneous building sign means a building sign (as defined in this Article), other than a principal sign or a temporary event sign, commonly found on the wall of a nonresidential use property.

Miscellaneous freestanding sign means a freestanding sign, other than a freestanding principal sign, a temporary event sign or an incidental sign, commonly found on multi-family and nonresidential use properties located at entrance and exit driveways and drive-through windows

Monument sign: see under “freestanding sign.”

Mulch means pine straw, pine or cypress bark, pebbles, lava rock or synthetic landscaping materials acceptable to the Architectural Review Board.

Multi-Faced sign means a single sign structure consisting of two sign faces (see “double-faced sign”) or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Nonconforming sign means a sign legally existing at the time of erection that could not be built under the terms of this Article.

Nonresidential use: see “use, nonresidential.”

Parcel means a unit of land as defined in a single deed recorded in the Superior Court deed records of Bryan County, Georgia. The description as specified in each recorded deed shall constitute a

parcel of land for the purpose of this Article. Provided further, that two (2) or more adjoining parcels in common ownership and which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one (1) parcel for the purpose of this Article.

Pennant means a lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term “pennant” shall not include a “banner” or a “flag” as regulated in this Development Code.

Person means and includes any person, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.

Personal (noncommercial) speech means the expression of an idea, opinion or message that does not direct or attract attention to a business operated for profit; or to a product, commodity or service for sale, trade, barter, swap or lease; or to any other commercial interest or activity.

Planned center means a single office, medical, commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship. A planned center may consist of a single building, such as a shopping center, or multiple buildings, such as an office condominium center.

Pole sign: see under “freestanding sign.”

Portable sign means a sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following:

- (1) A sign designed to be temporarily placed upon the ground and not otherwise affixed to it by a permanent foundation.
- (2) A sign mounted on a trailer, with or without wheels.
- (3) An A-frame or sandwich board sign.
- (4) An umbrella used for advertising.

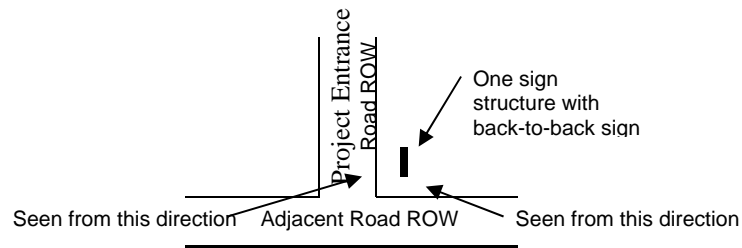
Pre-permanent sign means a temporary sign used for signage by a new business until their permanent sign is installed or for sixty (60) days, whichever is less.

Principal building means the building in which is conducted the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

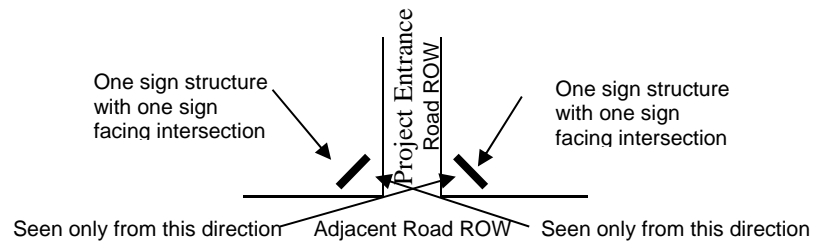
Principal sign means the main, most prominent or largest building or freestanding sign on a property’s street frontage or principal building, other than a project entrance sign as defined in this Article. Such signs are of permanent construction and not placed as temporary signage.

Project entrance sign means a permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multi-family development, or into a development containing multiple lots, such as but not limited to a particular single-family residential subdivision, a townhouse condominium subdivision, or a commercial subdivision such as an office park or industrial park where buildings are located on separate lots. Designs for project entrance signs are classified as two types:

- (1) *Single Sign*: A project entrance sign designed as a single sign structure with two back-to-back faces, oriented to be seen from both directions on the road adjacent to the development.



- (2) *Dual Sign*: A project entrance sign designed as two separate sign structures, each with a single sign face individually oriented toward the intersection so as to be viewed from only one direction on the road adjacent to the development, and each located on opposite sides of the project entrance.



The following are examples of project entrance signs:



Projecting sign: see under "building sign."

Residential use: see "use, residential."

Roof sign: see under "building sign."

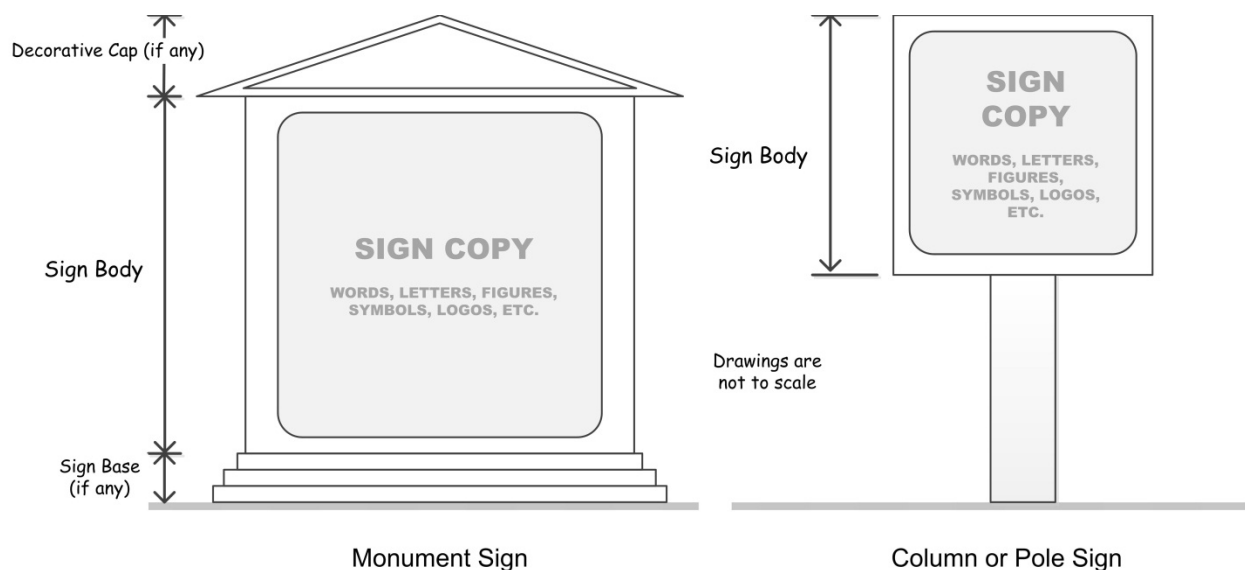
Setback means the distance from the property line to the nearest plane of the applicable building, structure, or sign, measured perpendicularly to the property line.

Shopping center: see "planned center."

Shrub means a self-supporting woody plant that may reach a height of less than 15 feet, such as but not limited to azalea, boxwood, yew, hawthorn, hydrangea, holly, nandina or camellia.

Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. Also, the above, when near the inside surface of a window in such a way as to be in the view of the general public and used or intended to be used to attract attention or convey information to the public.

Sign body means that portion of a sign structure that is intended or designed primarily to support or display the sign face, exclusive of the sign's base or decorative cap, if any. This definition applies to all signs, whether allowed by this Article (such as a monument sign) or a sign not allowed by this Article (such as a pole or column sign).



Sign copy means the words, letters, figures, symbols, logos, fixtures, colors or other design elements that are used to convey the message, idea or intent for which a sign has been erected or placed.

Sign face means that portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature, including but not limited to, channeled letters.

Sign height means the vertical distance to the highest point of a sign structure. The height is measured from the adjacent finished grade at the base of the sign.

Sign module means each portion or unit of a sign face that is clearly separable from other such units by virtue of its individual or independent construction or framing.

Sign structure means a structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this Article. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building or a decorative freestanding fence or wall at a project entrance, is not considered a sign structure.

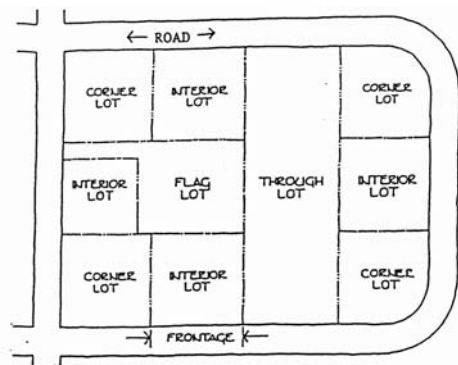
Snipe sign means any sign which is attached in any way to a utility pole, fence post, or any other similar object located on public property.

Spectacular sign or device includes banners, beacons, balloons, streamers, and other attention-getting devices. See also "festoons."

Streets and sidewalks means a strip of land or access way subject to vehicular traffic and/or pedestrian traffic that provides direct or indirect access to property including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails or other thoroughfares.

Street frontage means the distance for which a lot line of a parcel adjoins a public or private street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street. Corner lots at intersections and double frontage (through) lots have multiple street frontages; corner lots formed by a curve in the street have one street frontage.

Suspended sign: see "under-canopy sign" under "building sign."



Temporary event means an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

- (1) The offering of a property or premises for sale or rent.
- (2) An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state, or federal governance.
- (3) Special business promotions, such as but not limited to "grand openings," "close-out sales," and seasonal sales events.
- (4) A yard sale.
- (5) The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building.
- (3) A public announcement of a special event or seasonal activity by an individual or a nonprofit organization.

Tenant means a natural person, business or other entity that occupies land or buildings by ownership, under a lease, through payment of rent, or at will; an occupant, inhabitant, or dweller of a place.

Tenant frontage means the horizontal distance in feet between the side walls of a tenant space façade fronting on a dedicated public street. A “tenant space” may be a stand-alone building with a single occupant, or a portion of a planned center that is separated from all other tenant spaces for occupancy by a single tenant.

Tri-vision sign means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation. For purposes of this Article, a tri-vision sign is not a changeable copy sign.

Use, nonresidential means a principal use that is a business engaged in the sale of goods or the provision of personal, professional, business, entertainment or other services; an institutional or nonprofit organization; a business engaged in the fabrication, manufacture or production of durable or non-durable goods; an activity for the administration or support of a business or organization; or a place of lodging for the travelling public, such as a hotel, motel or bed and breakfast.

Use, residential means a principal use that is intended for occupancy by an owner or lessee as their permanent place of abode.

Vehicular sign means any sign placed, mounted, painted on or affixed to a motor vehicle or to a freight, flat-bed or storage trailer or other conveyance. The following are examples of vehicular signs:



Wall sign: see under “building sign.”

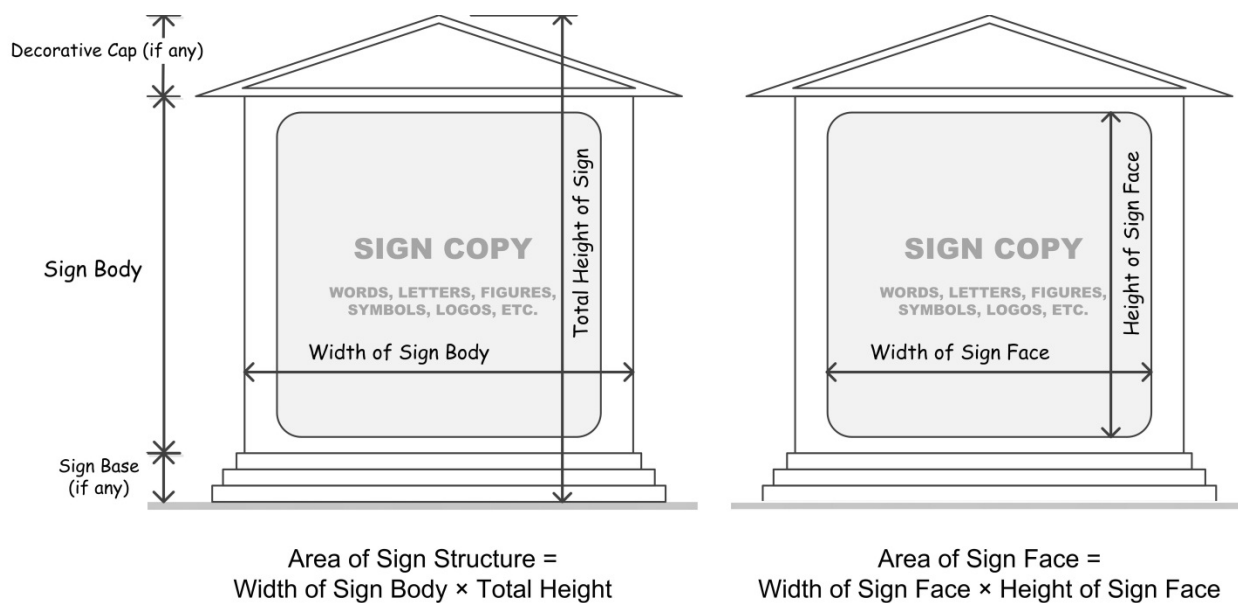
Window sign: see under “building sign.”

Zoning Administrator is the person or persons designated by the mayor and council to enforce the provisions of this Article and charged with the responsibility for inspection and permitting of signs, or their designee.

Section 3. - Computation of sign area.

(a) *Generally.*

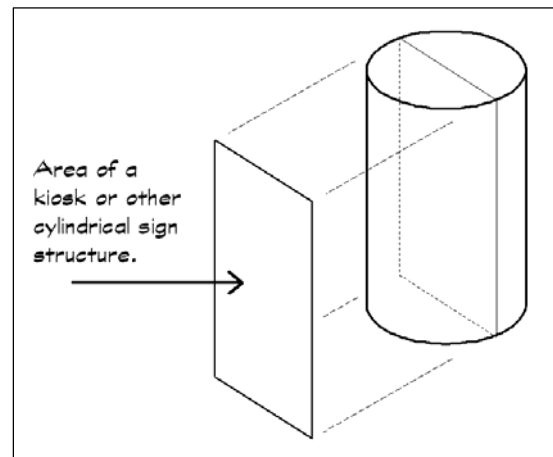
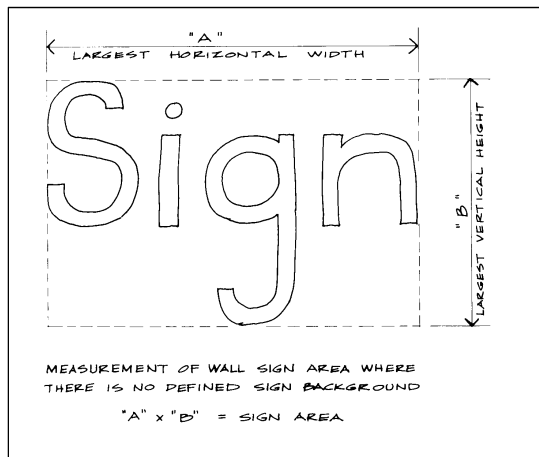
- (1) Except as otherwise provided in other subsections of this Section, the area of a sign face or module shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets other regulations of the city and is clearly incidental to the display itself.
- (2) If a sign face is composed of two or more sign modules, the sign face area shall be the area of each module, measured in accordance with the preceding paragraph (1), totaled together.
- (3) The area of a sign structure shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, by multiplying:
 - a. the width of the body of the sign (exclusive of the sign's base or decorative cap, if any) measured at the widest portion of the sign body; times
 - b. the total height of the sign as defined in this Article under "sign height."
- (4) The following are examples of how sign structure and sign face area measurements are made; the signs shown are illustrative only for clarity.



- (b) *Area of multi-faced signs.* The sign face area of a sign structure with more than one side, and such sides are not more than three feet apart at their closest point, shall be computed as follows:
- (1) *Double-faced signs.* For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or

less, the area of the sign shall be taken as the area of the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the sign face area shall be the total area of both sides.

- (2) *Signs with three or more faces.* For sign structures having only three sides and the interior angle formed between all of the sides is 60 degrees, the sign face area shall be taken as the largest area on the three sides. For all other multi-faced signs with three or more sides, the sign face area shall be the largest total of all sign faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.
- (c) For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors or other design elements intended to convey the sign's message shall establish the area of the sign face.
- (d) For a kiosk or other cylindrical sign structure, the area of the sign face shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.



Section 4. - Prohibited signs.

The following types of signs are prohibited:

- (a) If illuminated, signs containing, including, or illuminated by any flashing, intermittent, or moving lights, scrolling lights, and/or utilizing changes in the intensity of lighting.
- (b) If illuminated, the illumination is such that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.
- (c) If illuminated, the illumination is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of any motor vehicle.
- (d) Signs located so as to obscure, or otherwise interfere with the effectiveness of any official traffic sign, signal or device.
- (e) Signs located so as to obscure, or otherwise interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- (f) Signs which obstruct any fire escape, any means of ingress, egress, or ventilation, or prevent free passage from one part of a roof to any other part thereto; signs attached in any manner to a fire escape.

- (g) Signs displaying any obscene message as obscenity is defined by the State of Georgia at O.C.G.A. Section 16-12-80 (b), or nudity as defined by the State of Georgia at O.C.G.A. Section 16-12-81 (b)(1).
- (h) Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.
- (i) Snipe signs.
- (j) Animated signs, except changeable copy signs, banners and flags as may be regulated by this Article.
- (k) Signs otherwise prohibited by this Article, installed within a building in such a manner as to catch the attention of passersby outside the building.
- (l) Signs utilizing LCD, LED or similar technology, such as an electronic changeable copy sign as defined in this Article, as any part of the sign face.
- (m) Signs utilizing tri-vision technology as any part of the sign face are prohibited.
- (n) Inflatable signs, as defined in this Article.
- (o) Banners except as provided for temporary signage for a special business promotion event under Section 13(h) of this Article or otherwise exempt from these regulations.
- (p) Portable signs, except A-frame signs as may be allowed under this Article for a nonresidential use, or as provided for temporary signage for a grand opening event under Section 13(h) of this Article.
- (q) Festoons except as provided for temporary signage for a grand opening event under Section 13(h) of this Article.
- (r) Signs imitating public warning or traffic devices. Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, and any sign that uses the words "stop," "danger" or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
- (s) Sound or smoke emitting signs. A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.
- (t) Signs advertising illegal activity. Signs that advertise an activity illegal under local, state or federal law are not allowed.
- (u) Vehicular signs, as defined in this Article, are not allowed to be placed or parked in such a manner as to be viewed or intended to be viewed from a public right-of-way, except that this prohibition shall not apply in the following circumstances:
 - (1) When such conveyances are actively being used to transport persons, goods or services in the normal course of business;
 - (2) When such conveyances are parked in an inconspicuous area;
 - (3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with, a bona fide construction project for which building and other applicable permits have been issued and where construction is underway; or
 - (4) When such conveyances are parked, in a parking lot, on the property of the corresponding business being advertised.
 - (5) Only motor vehicles qualify for the above exemptions; storage trailers are not exempt.
- (v) Any sign that is displayed as commercial speech but is not affixed to the ground, attached to a building or other permanent structure, or qualifies as a vehicular sign, is prohibited. This prohibition includes signs that are attached to or displayed by a person as advertising, but does not include A-frame signs allowed under Section 12.

Section 5. - Compliance with technical codes; zoning.

- (a) All signs hereafter erected, replaced, reconstructed, repaired, altered, relocated or maintained within the city shall conform to the requirements of the Standard Building Code, Chapter 23, "Signs and Outdoor Displays," and to the requirements of the National Electrical Code, Article 600, "Electrical Signs and Outdoor Lighting," both of which are adopted by the city. Where the provisions of the building or electrical code and this Article conflict or overlap, the most stringent requirement shall prevail and be controlling.
- (b) All signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the city shall conform to the zoning ordinance of the city. In the event of conflict between the provisions of this article and other articles of the zoning ordinance, the most stringent requirements shall prevail and be controlling.
- (c) All signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the city having an area of greater than 35 square feet shall be designed to withstand a wind load created by a 120 mile per hour wind.

Section 6. - Maintenance of signs.

Every sign, including those signs for which permits are required and those for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times, including repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Section 7. - Erecting signs on private property.

- (a) No person within the city shall paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster or advertisement or notice of any kind, or cause the same to be done, on any private property, without the written consent of the owner of such property.
- (b) No person shall construct, erect, operate, use or maintain any sign without the written permission of the owner or other person in lawful possession or control of the property on which such structure or sign is located.

Section 8. - Erecting signs on public property.

No person shall erect a sign on public property other than the governmental entity responsible for such property or public utility companies or contractors occupying or working on public property pursuant to government contract or franchise.

Section 9. - Regulation of principal freestanding and principal building signs.

- (a) *Applicability.*
 - (1) This Section applies only to principal signs, as defined in this Article, that are freestanding on a property or attached to a building, and, that are not otherwise exempt from these Sign Regulations.
 - (2) Additional signage that is regulated on a property include:
 - a. Project entrance signs, under Section 10;

- b. Miscellaneous freestanding signs and miscellaneous building signs, under Section 12; and,
 - c. Temporary signs, under Section 13.
- (3) Signs in planned developments.
- For signs in a Planned Development zoned PD, each property or individual project within the planned development shall conform to the sign regulations established as part of the zoning approval for the PD. If no such provisions are included in the zoning approval of the PD, each property or individual development within a planned development shall conform to the provisions of this Article in accordance with the land use of said property (or the predominant use of the ground floor in the case of a mixed-use building).
- (b) *Residential use property.*
- All principal freestanding and building signs erected or placed on a residential use property shall comply with the following provisions:
- (1) A Single-family detached home, townhouse condominium and manufactured home on an individual lot must comply with the following provisions of this Section and, in accordance with the use of the property, TABLE VI. 1, below.
 - a. All principal freestanding signs allowed under this Section shall be supported by independent means by use of a wooden stake, metal frame or other sturdy structural support inserted directly into the ground.
 - b. Flags on residential parcels may be displayed without permit and such flags do not count toward the aggregate sign area for the parcel. See Section 12(e) for pertinent regulations regarding flags and flagpoles.
 - (2) Multi-Family developments, such as apartments, condominiums, manufactured home parks, nursing homes and other residential developments occupying a single property in common, must comply with the following provisions of this Subsection and, in accordance with the use of the property, TABLE VI. 1.
 - a. Project entrance signs are allowed in lieu of principal freestanding signs for a multi-family development. See Section 10.
 - b. For other freestanding signage within a multi-family development, see Section 12(a) regarding miscellaneous freestanding signs.
- (c) *Nonresidential use property.*
- All principal freestanding and building signs erected or placed on a nonresidential use property shall comply with the following provisions:
- (1) *Principal freestanding signs.*
- Principal freestanding signs on a property shall comply with the provisions of this Subsection and the restrictions for such signs as shown on TABLE VI. 1 for the use applicable to the property.
- a. Joint Signs. Multiple businesses on a single parcel shall share the number of freestanding signs allowed on the parcel as joint signs.
 - b. All principal freestanding signs shall be surrounded by protective curbing, the area within which shall be landscaped in accordance with the requirements of Section 11(a). No freestanding sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the standards of the zoning ordinance for off-street parking.
 - c. Freestanding sign faces shall be mounted on architecturally treated sign structures.
 - d. A 10 foot sign setback is required as measured from the property line.
 - e. For buildings containing less than 50,000 gross square feet of floor area, the following applies:

1. A developed parcel, whether a planned center or a single user, fronting on one dedicated street may have one principal freestanding sign. A parcel with entrances on two dedicated streets (not a residential street) may have two principal freestanding signs provided that the parcel has at least 200 linear front feet on both streets.
2. Principal freestanding signs shall be either a monument or hybrid monument sign.
3. Each principal freestanding sign can be up to a maximum of 8 feet in height and have a maximum sign face area of 40 square feet per side.
4. Maximum area of principal freestanding sign structure 100 square feet.
- f. For buildings containing 50,000 gross square feet of floor area or more, the following applies:
 1. A developed parcel, whether a planned center or a single user, fronting on one dedicated street may have one principal freestanding sign. A parcel with entrances on two dedicated streets (not a residential street) may have two principal freestanding signs provided that the parcel has at least 200 linear front feet on both streets.
 2. Principal freestanding signs shall be either a monument or hybrid monument sign.
 3. Each principal freestanding sign can be up to a maximum of 15 feet in height and have a maximum sign face of 60 square feet per side.
 4. Maximum area of principal freestanding sign structure 250 square feet.

(2) *Principal building signs.*

Principal building signs on a nonresidential property shall comply with the provisions of this Subsection and the restrictions for such signs shown on TABLE VI. 1 for the use applicable to the property.

- a. Planned centers.
 1. For planned centers containing less than 50,000 gross square feet of floor area, each planned center tenant/occupant may have one principal building wall sign facing the main street. The sign must be aesthetically pleasing and not crowd the architecture of the building in any way. These signs shall not exceed 60 square feet each.
 2. For planned centers containing 50,000 gross square feet of floor area or more:
 - i. Each such planned center's primary tenant/occupant may have one principal building wall sign facing the main street. The sign must be aesthetically pleasing and not crowd the architecture of the building in any way and shall not exceed 160 square feet.
 - ii. Each such planned center tenant/occupant other than the primary tenant/occupant may have one principal building wall sign facing the main street. The sign must be aesthetically pleasing and not crowd the architecture of the building in any way and shall not exceed 60 square feet each.
 3. In calculating lineal feet of tenant frontage for purposes of determining building sign area on a building facade, freestanding canopies (as defined in this Article) and other accessory structures shall not be included.
- b. Free standing, single occupant buildings.
 1. A free standing, single occupant building containing less than 50,000 gross square feet of floor area, fronting on one dedicated street may have one principal building wall sign which must not exceed 75 square feet. Such a freestanding,

single occupant building, on two dedicated streets (not a residential street and both streets with a minimum of 200 linear feet of frontage on both streets) may have two principal building wall signs which in total shall not exceed 150 square feet.

2. A free standing, single occupant building containing 50,000 gross square feet of floor area or more, fronting on one dedicated street may have one principal building wall sign which must not exceed 160 square feet. Such a freestanding, single occupant building, on two dedicated streets (not a residential street and both streets with a minimum of 200 linear feet of frontage on both streets) may have two principal building wall signs which in total shall not exceed 300 square feet.

(d) *Sign characteristics.*

Sign characteristics are regulated in accordance with TABLE VI. 1 for principal freestanding and building signage on residential and nonresidential use properties.

TABLE VI. 1 PRINCIPAL FREESTANDING AND BUILDING SIGNS—BY LAND USE

	Residential Use		Nonresidential Use	
	Single-Family Residence ¹	Multi-Family Developments ²	Building Area less than 50,000 gsf ³	Building Area 50,000 gsf or more
Aggregate sign face area of all Principal Freestanding and Building signs on the property	12 sq. ft.	Not Applicable	Not Applicable	Not Applicable
Principal Freestanding Signs				
Max. number of Principal Freestanding Signs	1	Not Applicable ⁴	1 per street frontage (see text for limitations)	1 per street frontage (see text for limitations)
Max. area of sign structure	12 sq. ft.	Not Applicable	100 sq. ft.	250 sq. ft.
Max. height of sign structure	4 ft.	Not Applicable	8 ft.	15 ft.
Max. area of sign face	12 sq. ft.	Not Applicable	40 sq. ft.	60 sq. ft.
Min. setback from street right-of-way line ⁵	10 ft.	Not Applicable	10 ft.	10 ft.
Monument sign allowed	Yes	Not Applicable	Yes	Yes
Hybrid monument sign allowed	Yes	Not Applicable	Yes	Yes

¹ Includes one-family dwellings, townhouses and manufactured homes on individual lots.

² Includes all residential developments occupying a single property in common, such as apartments, condominiums, manufactured home parks, and nursing homes.

³ Gross square feet of floor area.

⁴ Principal freestanding signs on a multi-family development are limited to Project Entrance Signs (see Table VI. 2). For other freestanding signs allowed on the property, see Miscellaneous Freestanding Signs under Section 12(a).

⁵ In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three feet and ten feet in a triangle formed by the corner and points on the curb 20 feet from the intersection or entranceway.

	Residential Use		Nonresidential Use	
	Single-Family Residence ¹	Multi-Family Developments ²	Building Area less than 50,000 gsf ³	Building Area 50,000 gsf or more
Column sign allowed	Yes	Not Applicable	No	No
Pole sign allowed	Yes	Not Applicable	No	No
Changeable Copy Sign allowed	No	Not Applicable	Yes, manually activated only	Yes, manually activated only
Principal Building Signs				
Aggregate sign face area of all Building Signs	12 sq. ft. per dwelling	12 sq. ft. per building	Not Applicable	Not Applicable
Max. number of Window Signs and percent coverage ⁶	1 per residence, covering no more than 20% of window, max. 3 sq. ft. of sign face area	1 per residence, covering no more than 20% of window, max. 3 sq. ft. of sign face area	Exempt if placed on the inside of the glass, per Section 1(d)(6)	Exempt if placed on the inside of the glass per Section 1(d)(6)
Single occupant building: Number and maximum size of Principal Building Wall Signs	Not Applicable	Not Applicable	1 wall sign per street frontage (see text for limitations). One frontage: 1 sign max. 75 sq. ft. Two frontages: 2 signs max. 150 sq. ft. total	1 wall sign per street frontage (see text for limitations). One frontage: 1 sign max. 160 sq. ft. Two frontages: 2 signs max. 300 sq. ft. total
Planned center: Number and maximum size of Principal Building Wall Signs	Not Applicable	Not Applicable	1 wall sign per tenant, facing main street, not to exceed 1 sq. ft. per linear foot of tenant frontage: Max. 60 sq. ft.	1 wall sign facing main street, not to exceed 1 sq. ft. per linear foot of tenant frontage: Primary tenant: Max. 160 sq. ft. All other tenants: Max. 60 sq. ft.
Changeable Copy Sign allowed	No	No	Yes, manually activated only	Yes, manually activated only
Sign Characteristics				
Animated	Not allowed	Not allowed	Not allowed	Not allowed
Illumination, internal	Not allowed	Not allowed	w/Sign Permit approval	w/Sign Permit approval
Illumination, external	Not allowed	Not allowed	w/Sign Permit approval	w/Sign Permit approval
Illumination, exposed bulbs or neon	Not allowed	Not allowed	Not allowed	Not allowed

Section 10. - Regulation of project entrance signs.

(a) *Applicability.*

This Section applies to all project entrance signs, as defined in this Article, that are located at the designated entrances to a residential subdivision, a multi-family development, or a nonresidential subdivision (such as an office park or industrial park).

(b) *Entrances to subdivisions.*

- (1) In addition to any principal freestanding signage allowed on a property within the subdivision under Section 9, if the property is a corner lot located at an entrance into any residential or nonresidential subdivision, then such property may contain no more than one

⁶ Area of window sign is to be included in aggregate sign face area allowed on property.

permanent project entrance sign for the subdivision (i.e., total two signs per entrance) in accordance with the provisions for such signs on Table VI. 2.

- (2) A subdivision may have project entrance signage at any entrance into the subdivision from an adjoining street outside the subdivision.
- (c) *Entrances to un-subdivided developments.*
In addition to any principal freestanding signage allowed on a property under Section 9, if any, a multi-family development or a residential or nonresidential condominium project may contain project entrance signs as follows: two permanent project entrance signs are allowed at any entrance into the development from an adjoining street outside the development, in accordance with the provisions for such signs on Table VI. 2.
- (d) Any project entrance sign may be lighted by single-flood, external illumination, which may not be directed onto the street or vehicular traffic. Multiple-flood external illumination and internal illumination, including channeled letter signs, may be authorized only through issuance of a sign permit.
- (e) All project entrance sign faces shall be mounted on an architecturally treated monument sign structure or an architecturally treated decorative wall.

TABLE VI. 2 PROJECT ENTRANCE SIGNS—BY LAND USE

	Residential Use		Nonresidential Use
	Single-Family Subdivision ⁷	Multi-Family Development ⁸	Office or Industrial Park (subdivision)
Project Entrance Signs			
Max. number of Project Entrance Signs per development	2 signs at each entrance into the subdivision	2 signs at each entrance into the development	2 signs at each entrance into the subdivision
Max. number per project entrance	1 sign per corner lot at an entrance into the subdivision (2 signs per entrance)	2 signs at each entrance fronting on a separate street	1 sign per corner lot at an entrance into the subdivision (2 signs per entrance)
Max. sign face area ⁹	30 sq. ft.	30 sq. ft.	30 sq. ft.
Max. sign height	6 ft.	6 ft.	6 ft.
Sign Characteristics			
Animated	Not allowed	Not allowed	Not allowed
Changeable copy	Not allowed	Not allowed	Not allowed
Illumination, internal	Not allowed	Not allowed	w/Sign Permit approval
Illumination, external	Single-flood only	Single-flood only	Single-flood only (multiple-flood w/Sign Permit approval)
Illumination, exposed bulbs or neon	Not allowed	Not allowed	Not allowed

⁷ Includes one-family dwellings, townhouses and manufactured homes on individual lots.

⁸ Includes all residential developments occupying a single property in common, such as apartments, condominiums, manufactured home parks, and nursing homes.

⁹ Area of project entrance sign(s) is not included in the sign face area allowed on a property for its principal freestanding sign or building signs.

Section 11. - Landscaping and design requirements.

All signs regulated under Section 10, and under Section 9 except for single-family residences, shall meet or exceed the standards of this Section.

(a) *Landscaping.*

- (1) There shall be established a landscaping area around each principal freestanding sign and each project entrance sign that is equal to no less than the total area of all sides of the the sign structure. The sign landscaping area shall extend from the base or structural supports of the sign equally in every direction, but no less than 5 feet. Within this sign landscaping area, the following standards shall apply:
 - a. All portions of the sign landscaping area shall be covered by landscape materials, as defined in this Article, except for those ground areas that are covered by permitted structures. A minimum of 80% of the required landscape area shall be covered with living plant materials, which may include any combination of ground covers and shrubs.
 - b. Shrubs that are provided within the sign landscaping area must be at least 12 inches tall at the time of planting, and be of a species that will not normally exceed 4 feet in height at maturity.
 - c. Plant materials may be clustered for decorative effect following professional landscaping standards for spacing, location and design.
- (2) Maintenance of required plant materials.

The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials used to meet the minimum landscaping requirements of this Section.

(b) *Color.*

- (1) Sign colors shall provide sufficient contrast to be legible, yet be subdued enough to blend with the natural landscape and/or surrounding structures.
- (2) All elements of a sign face, including the background area and any letters, words, images or symbols, shall be of earth tones or muted colors. Matte black or white letters when required for adequate contrast and legibility are allowed.
 - a. Muted colors are colors that are restricted or suppressed hues that do not show the full color value, but rather a more subtle version.
 - b. Earth tones are colors that depict the colors commonly seen in nature, such as the brown hues of various woods and clays and the neutral gray and beige shades in stones and sand.
 - c. Examples of acceptable muted colors and earth tones are found on the color palette *Historic Colors* by Duron, Inc., and are available for inspection in the zoning administrator's office.
- (3) Natural materials used as a background area of a sign face, such as stone, natural wood, old wood, tile, brick, etc., may be considered on a case-by-case basis by the Architectural Review Board.
- (4) The construction materials used for the sign structure shall be natural to the material such as stone, brick, stucco, etc.
- (5) Bright and glossy or fluorescent colors and reflective surfaces are prohibited. Where these colors are part of a logo or copyrighted insignia related to the occupant of the premises, all colors incorporated in the logo are permitted in the logo only.
- (6) Temporary signs are exempt from the sign color requirements.

Section 12. - Additional regulations for specific types of signs.

(a) *Miscellaneous freestanding signs.*

Freestanding signs in addition to those regulated under Section 9 and Section 10 are allowed as accessory uses on a property occupied by any multi-family, commercial, industrial or institutional use if each sign complies with all of the following:

- (1) Within the area between a street right-of-way line and the minimum building setback required from that street right-of-way line for the zoning of the property, permanent miscellaneous signs may only be located within 3 feet of driveways that provide access into or from the property. There shall be no more than 2 such signs per driveway and each such sign shall not exceed 4 square feet in sign face area nor be more than 3 feet in height.
- (2) Portable signs are not allowed as miscellaneous freestanding signs except for A-Frame signs (also known as “sandwich board” signs). Such A-Frame signs must be located no farther from an entrance to the owner’s business than 6 feet, and may be no larger than 4 square feet in sign face area nor be more than 3 feet in height. Such A-Frame signs must be stored indoors when the owner’s establishment is not open for business.
- (3) One permanent miscellaneous sign may be located on a property occupied by a restaurant for each drive-through service window on the building. Such signs shall be located farther from the street than the minimum building setback from the street right-of-way line required by the zoning of the property, and shall not exceed 32 square feet in sign face area or more than 8 feet in height.



A-Frame Sign

(b) *Miscellaneous building signs.*

Miscellaneous building signs (as defined in this Article) not otherwise prohibited under Section 4, are allowed on nonresidential use properties in addition to the principal building signs allowed under Section 9(c), as follows:

(1) *General miscellaneous building signs.*

Miscellaneous building signs are allowed, provided that such signs shall be placed only on a tenant space façade fronting on a dedicated public street. Such signs are limited as follows:

- a. Each business that occupies space within a principal business as a subtenant is allowed one wall sign in addition to the principal building sign allowed for the principal business under Section 9(c)(2). Each additional wall sign shall not exceed 10 square feet in sign face area, nor shall the total for all such additional signs exceed 30 square feet in sign face area collectively. The following are examples of subtenant wall signs allowed by this Subsection:



- b. Miscellaneous building signs placed in a window and intended to be permanent must be installed on the inside of the window.

(2) *Sidewalk pedestrian signs.*

Each tenant (other than a subtenant) located within a planned center is allowed to have one sign in addition to all other signs allowed by this Article, as follows:

- a. The sidewalk pedestrian sign may be post mounted in a sidewalk planter, mounted flat on a building wall or perpendicular to a building wall (mounted flat or hanging).
- b. Each such sign shall be allowed to have a maximum sign face area of 6 square feet.
- c. The following are examples of sidewalk pedestrian signs allowed by this Subsection:



(3) *Gas station signs.*

In addition to the principal building signage and miscellaneous building signage allowed on a gasoline service station building, the following signage is allowed on any freestanding canopy (as defined in this Article) or car wash building on the site:

- a. One wall sign is allowed on each side of a freestanding canopy that faces a dedicated street. Such a sign shall not cover more than 10% of the freestanding canopy face nor be larger in sign face area than 9 square feet, whichever is less.
- b. One wall sign, not to exceed 20 square feet in sign face area, shall be permitted on one façade of a detached car wash building that is an accessory use to the gasoline service station. The detached car wash wall sign shall be consistent with the color and style of other signage on the site.

(4) *Rear entrance signs.*

For any planned center that has a service drive along the rear of the building, one rear entrance sign is required for each tenant that has direct or indirect access to the service drive.

- a. Rear entrance signs shall be located directly on or adjacent to the rear door.
- b. The area of rear entrance signs shall not exceed 3 square feet; however, the sign may not be less than 18 inches wide and 12 inches high, and must be clearly legible for public safety personnel.

(c) *Billboards.*

Billboards are permitted only when specified as an allowed use in a particular zoning or overlay district, and are subject to the applicable provisions of such district.

- (d) If any sign is located within, suspended over or projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such a sign in such form and such amount as the zoning administrator may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000.00 per occurrence per sign.
- (e) All flags mounted on a flagpole must have a minimum vertical clearance of nine feet above the ground, sidewalk, private drive or parking area, as applicable. No flag on the property of a residential use shall exceed 15 square feet in area or be higher than forty (40) feet above the ground when mounted on a flagpole. Nonresidential uses are limited to three flags, each of which must be mounted on a flagpole, resulting in no more than three flagpoles on a nonresidential property.
- (f) Suspended signs must have a minimum clearance of eight feet to grade.

- (g) Manually activated changeable copy signs are permitted in conjunction with freestanding signs and joint signs so long as the changeable copy portion of the sign face does not exceed sixty (60) percent of the overall sign face of the freestanding sign or thirty (30) percent of the overall sign face of a joint sign; and provided that the total sign face does not exceed the size limitations imposed elsewhere by this Article.

Section 13. - Temporary signs.

(a) *Temporary signs; allowed.*

- (1) Signs in addition to those allowed under Section 9, Section 10 and Section 11 are allowed on a property for the duration of a temporary event (as defined below). Such additional signs shall not be restricted as to the message displayed on the sign, but must comply with the provisions of this Section.
- (2) Temporary signs must comply with all requirements of this Article, except as modified by the provisions of this Section, including the prohibitions of Section 4 and general requirements applying to all signs.
- (3) Fixed location: All temporary signs must be installed at a fixed location, either attached to the ground as a freestanding sign or attached to a building. Temporary signs shall not be attached to a vehicle or other movable, animated or portable device, or attached to or displayed by a person.

(b) *Temporary event; defined.*

A temporary event is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

- (1) The offering of a property or premises for sale or rent.
- (2) An election, political campaign, referendum or ballot proposition put to the voters as part of city, county, state or federal governance.
- (3) Special business promotions other than "grand openings," such as but not limited to "close-out sales" and seasonal sales events.
- (4) Grand opening for a new business.
- (5) A yard sale.
- (6) The construction of a building or development project, or the rehabilitation, remodeling or renovation of a building.
- (7) A public announcement of a special event or seasonal activity by an individual or a nonprofit organization.

(c) *Duration of temporary sign placement.*

Temporary signs may be placed on any property upon initiation of a temporary event, and must be removed upon the termination of the event. Initiation and termination of particular events shall be interpreted as follows:

- (1) Sale or lease of a building or premises. Initiation upon the availability of the building or premises for sale or lease, and termination upon the closing of the sale or execution of the rental agreement.
- (2) Building construction or remodeling. Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling, and termination within 7 days after issuance of the Certificate of Occupancy.
- (3) Residential or nonresidential subdivision or condominium under development. Initiation upon preliminary plat or site plan approval by the city. Termination upon the sale of 95% of the lots, dwelling units or buildings in the final phase, or at the end of 12 continuous

months during which no building permits have been issued for new construction within the development, whichever occurs first.

- (4) Election or political campaign. Initiation upon the opening day of qualification of candidates, and termination within 10 days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
 - (5) Special business promotion.
 - a. Initiation upon announcement of the special sale or sales event, and termination upon its completion or 7 days after initiation, whichever occurs first.
 - b. A special business promotion event may not be approved for more than 7 continuous days once a month and no more than 7 total days each month on the same property for each business or tenant, regardless of the number of businesses on the property.
 - c. Additional provisions apply to banners placed during a special business promotion event (see Section 13(h)).
 - (6) Grand opening.
 - a. Initiation upon announcement of the grand opening event, and termination upon its completion or 14 days after initiation, whichever occurs first.
 - b. A grand opening event may not be approved for more than 14 continuous days, and may occur only once for a business that has newly occupied the property.
 - c. Portable signs and festoons are allowed for 14 days during a grand opening event. See Section 13(h) and permit requirements under Section 14(b) and (c).
 - (7) Yard sale. Initiation 2 days prior to the announced date of the sale, and termination at the end of the announced date.
 - (8) Public announcement. Initiation upon the placement of the sign and termination within 14 days after such placement.
 - (9) Other temporary events. The initiation and termination dates for any temporary event not listed above shall be determined by the Zoning Administrator for each temporary event, based on considerations such as: normal beginning and ending dates for such an event, the scheduled occurrence of the event, or similarities to other temporary events listed above or having previously occurred.
- (d) *Number of temporary signs.*
- Only one temporary sign related to each temporary event per business or tenant may be located on a property at any one time, except for the following:
- (1) Sale or lease of a building or premises.

One freestanding sign per street frontage may be placed on a property that is available for sale or lease. For a planned center, one additional building sign may be placed on each tenant space that is available for sale or lease.
 - (2) Residential or nonresidential subdivision or condominium under development.

During construction of a residential or nonresidential subdivision or condominium development: one sign per entrance into the subdivision or development per builder.
 - (3) Election or political campaign.

No limit on the number of signs.
 - (4) For a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more, the following shall apply:
 - a. During the construction or remodeling of a commercial, industrial, or institutional use building containing 50,000 square feet of gross floor area or more, no more than two temporary freestanding or wall signs shall be allowed, not exceeding 64 square feet in area nor more than 10 feet in height; and,
 - b. During the start-up period while a commercial, industrial or institutional use building containing 50,000 square feet of gross floor area or more is initially for sale or lease,

no more than two additional freestanding signs shall be allowed, not exceeding 64 square feet in area nor more than 10 feet in height.

Table VI. 3 TEMPORARY SIGN EXAMPLES ¹⁰

Type of Temporary Event	Duration		Number Allowed on the Property ¹¹
	Event Starts	Event Ends	
Sale or Lease of a Building or Premises	When put on the market	Closing of sale or execution of lease	1 freestanding per property, 1 building sign per tenant space, 1 per subdivision entrance
Building Construction or Remodeling	Issuance of building permit	Within 7 days of issuance of C.O.	1 on the construction site
Subdivision or Condominium Project Under Development	Preliminary plat or Site Plan approval	Sale of 95% of lots or buildings, or 12 months of no building permits	1 per entrance into the subdivision or development, or 1 per 300 feet of frontage
Election or Political Campaigns	Opening day of qualification of candidates	Within 10 days after election complete	No limit
Special Business Promotion	Announcement of special sale or sale event	End of sale or 7 days, whichever occurs first ¹²	1 plus those allowed under Section 13(h)
Grand Opening	Announcement of grand opening event	End of sale or 14 days, whichever occurs first	1 plus those allowed under Section 13(h)
Yard Sale	2 days prior to announced date of sale	At the end of the sale	1 on yard sale site
Public Announcement	Upon placement of the sign	Sign removed within 14 days of placement	1
Other Temporary Events	As determined by Zoning Administrator	As determined by Zoning Administrator	1

(e) *Size of temporary signs.*

Temporary signs are restricted to the following sign areas and sign heights:

- (1) Single-family residential, townhouse condominium or manufactured home lot.
Temporary event signs located on such subdivided lots shall not exceed 6 square feet in sign face area and 5 feet in height.
- (2) Residential or nonresidential subdivision or condominium development under construction.
Signage during construction of a residential or nonresidential subdivision or condominium development shall not exceed 32 square feet in sign face area and 8 feet in height.
- (3) Multi-family, ¹³ mobile home park, nonresidential use property (as defined in this Article).
 - a. Temporary event signs located on a multi-family, mobile home park, or nonresidential use property shall not exceed 32 square feet in sign face area and 8 feet in height.
 - b. For a building containing 50,000 square feet of gross floor area or more, see paragraph (4) of Section 13(d), above.

(f) *Location of temporary signs.*

¹⁰ Examples only. All provisions of Section 13 apply in all cases.

¹¹ See also weekend signs Section 13(i).

¹² See Section 13(h) for limitations on frequency of special business promotion events.

¹³ Includes all residential developments occupying a single property in common, such as apartments, townhouse condominiums, and nursing homes.

- (1) All temporary signs shall be located on private property at least 10 feet from any street right-of-way line. Temporary signs shall be no closer to the right-of-way than adjacent permanent signs in the area. All temporary signs shall be located at least 10 feet from any side or rear property line and the pavement edge of a driveway.
 - (2) Temporary signs are not allowed to be placed within or over a public street right-of-way or private street easement.
 - (3) A temporary sign must be a freestanding sign or a building sign (as defined in this Article), and shall not be affixed to any tree, utility pole or official traffic sign or structure.
 - (4) A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.
- (g) *Construction and lighting standards of temporary signs.*
- (1) Construction standards for signs requiring building permits.
A temporary sign for which issuance of a building permit is required by the Building Code shall meet the same engineering design and materials standards as for permanent signs as required by the Building Code and shall be designed to withstand a wind load created by a 120 mile per hour wind.
 - (2) Construction standards for signs not requiring building permits.
 - a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
 - b. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face.
 - (3) Automatic and manual changeable copy signs shall not be allowed.
 - (4) Lighting.
Temporary signs shall not be illuminated.
- (h) *Temporary banners, portable signs and festoons.*
- (1) *Banners.*
One banner is allowed as temporary signage during a special business promotion event in accordance with the duration, number, size, location and lighting limitations of this Section 13, and in accordance with the following additional provisions:
 - a. Such a banner shall be placed on the site or on a building in such a manner as not to create a safety hazard as determined by the zoning administrator. They shall meet the same setback requirements as all other temporary signs. Such a banner shall not be attached to or hung from an existing freestanding sign, or used as any other form of sign.
 - b. A banner that is larger than 24 square feet in size is not allowed.
 - (2) *Portable signs.*
During a grand opening event, one portable sign is allowed as a temporary sign on a property developed for commercial, industrial or institutional use, subject to the following restrictions:
 - a. Maximum size: The maximum size of a portable sign shall not exceed 32 square feet. Said sign shall not have flashing lights or animated devices, but may be internally illuminated and may be a manually activated changeable copy sign.
 - b. Placement: The sign must be placed on the site in compliance with Section 13(f) of this Article;
 - c. Securely anchored: To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the zoning administrator.
 - d. Electrical connections: All electrical connections to the sign must be in compliance with the Electrical Code as adopted by the city, and must be inspected prior to use.

- e. Frequency and duration: Portable signs may be allowed only in relation to a grand opening event. A grand opening event may not be approved for more than 14 consecutive days.
- (3) *Festoons.*
 Festoons such as strings of light bulbs and strings of ribbons, tinsel, pennants, streamers, pinwheels or other similar devices designed to move in the wind, may be allowed as part of a grand opening event, provided that:
 - a. Location: No part of any such festoon shall be located in, on or within 10 feet of a public right-of-way and no hazard to traffic safety shall be created; and,
 - b. Frequency and duration: Portable signs and festoons may be allowed only in relation to a grand opening event. A grand opening event may not be approved for more than 14 consecutive days.
- (i) *Weekend signs.*
 Weekend signs are allowed as temporary signs under the following provisions.
 - (1) *Location.*
 - a. Such signs are allowed on properties in all zoning districts, except that any such sign shall not be affixed to any tree, utility pole or official traffic sign or structure.
 - b. All temporary signs shall be located on private property beyond the street right-of-way line or 12 feet from the edge of pavement (or back of curb) of a street, whichever is less.
 - c. Such signs shall be placed and maintained on private property only with the permission of the owner of the property upon which the sign is placed.
 - (2) *Setback.* No setback from the street right-of-way line shall be required for a weekend sign.
 - (3) *Size.* Such signs shall not exceed 6 square feet in area nor be more than 3 feet in height.
 - (4) *Duration.* Weekend signs shall be allowed only between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m.
 - (5) *Permanence.*
 - a. Reusable weekend signs shall consist of permanent, weather-resistant materials such as metal or durable plastic.
 - b. Weekend signs intended for use only once may consist of nonpermanent but water-resistant construction materials, such as but not limited to poster board, foam core board or illustration board.
 - c. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic or manual changeable copy signs shall not be allowed.
 - (6) *Lighting.* Weekend signs shall not be illuminated.
 - (7) *Number allowed.* Unlimited.
- (j) *Pre-permanent signs.*
 For a temporary sign used for signage by a new nonresidential or multi-family use until their permanent sign is installed, the following shall apply:
 - (1) *Duration.* The pre-permanent sign shall be allowed for no more than 60 days from the date of its installation.
 - (2) *Number.* No more than one such sign shall be allowed per street frontage.
 - (3) *Size.*
 - a. For a building having less than 50,000 square feet of gross floor area, the pre-permanent sign shall be no more than 32 square feet in sign face area nor more than 8 feet in height.

- b. For a building having 50,000 square feet of gross floor area or more, the pre-permanent sign shall be no more than 64 square feet in area nor more than 10 feet in height.
- (4) *Location.* Pre-permanent signs located on a property shall comply with the requirements of Section 13(f).
- (5) *Construction and lighting standards.* Pre-permanent signs located on a property shall comply with the requirements of Section 13(g).
- (6) All other restrictions of this Section 13 that apply to temporary signs in general shall equally apply to pre-permanent signs.

Section 14. - Permit required; procedures.

(a) *Sign permit required.*

Unless specifically exempted from obtaining a permit under the provisions of this Article, no person shall erect, construct, replace, relocate or structurally alter any sign structure within the city without first obtaining a sign permit from the city.

(b) *Applications for permanent and grand opening sign permits.*

Applications for permits shall be made upon forms provided by the city, shall be submitted in the number of complete copies as required by the zoning administrator, and shall contain or have attached thereto the following information:

(1) *Applicant and property information.*

- a. Name, address and telephone number of the applicant.
- b. Tax parcel ID and address of building, structure, or parcel to which or upon which the sign is to be attached or erected.
- c. Name, address, telephone number and business license number of the person erecting the sign.
- d. Written consent of the owner or lessor of the building or parcel to which or upon which the sign is to be erected.
- e. The size of the parcel on which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented.
- f. The value of the sign.
- g. If the sign is to be lighted, an application for electrical permit meeting all standards of the city's electrical code must be attached, along with any applicable fee.
- h. Square footage of principal building.

(2) *Master sign plan.*

Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot (and the buildings and structures related thereto) for which a sign permit is required. Master sign plans must include:

- a. *Location:* An accurate drawing to scale showing the position of the sign or signs in relation to nearby buildings or structures (including other signs), driveways, parking areas, property and right-of-way lines, and any other limiting site features (survey not required). The drawing must show or note (as applicable): 1) the location and size of all other signs on the parcel that are proposed to remain; 2) the distance in feet to the nearest existing freestanding sign; and 3) the distance in feet from the location of the proposed sign(s) to the nearest residentially zoned parcel.
- b. *Specifications:* An accurate drawing to scale of the plans, specifications and method of construction and attachment of the sign or signs to the building or ground. The

drawing shall specifically include the size of the sign structure(s) and sign face area(s), overall height of the sign(s), a site distance diagram, and any protective devices around the base of the sign(s). For all signs over thirty-five (35) square feet in sign area, the drawing shall be an engineered structural drawing designed to the International Building Code and shall be designed to withstand a wind load created by a 120 mile per hour wind.

- c. *Design:* The master sign plan shall include such drawings and specifications as may be required to clearly illustrate the design elements of the sign or signs, including the construction materials, size, letter style and color of all elements of the sign(s), including the sign structure, the sign face, and background surfaces. The plan shall also show landscaping details including the extent of the designated landscaping area, the location of specific landscape materials, and the botanical and common name of plants by location on the plan.
 - d. Signs that are otherwise exempt under this Article need not be shown on the master sign plan.
 - e. Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of this Article for the property to which it pertains.
- (3) *Additional information.*
Such other information as the city shall require to show full compliance with this and other ordinances of the city.
- (4) *Sign permit fee.*
- a. Each application for permit shall be accompanied by the applicable permit fees except an application for a sign permit from a bona fide nonprofit organization. Fees for permits shall be fixed from time to time by the Mayor and Council.
 - b. Any person commencing work on a sign before securing the necessary permit from the zoning administrator shall be subject to double permit fees under the permit fee schedule.
- (c) *Permanent and grand opening sign permit review and approval procedures.*
- (1) No review of the specific content or message of any proposed sign shall be made or required.
 - (2) *Pre-application review.* Applicants are strongly encouraged to meet with the Architectural Review Board prior to submission of a sign permit application to discuss design concepts or present a preliminary design for discussion with the Board. Such discussions shall not be binding on the applicant or the Board, are strictly at the option of the applicant, and no official action will be taken by the Board regarding the discussion or presentation. Placement on the Board's agenda shall be scheduled through the zoning administrator.
 - (3) Upon the filing of an application for a permit, the zoning administrator shall, within 2 business days, determine if the application is complete in all respects as required by this Section. Incomplete applications will be returned to the applicant as though no application had been received.
 - (4) Upon the determination that an application is complete, the zoning administrator shall forward copies of the application to the Architectural Review Board.
 - (5) *Technical review.* The zoning administrator shall review all plans and specifications submitted and the premises upon which the sign is proposed to be erected with regard to compliance with the technical requirements of this Article and all other ordinances and laws of the city, and shall prepare a recommendation for approval, approval with conditions, or denial of the application.
 - (6) *Design review.* The Architectural Review Board shall consider the aesthetic qualities of the proposed sign, including but not limited to its appearance, size, location, structure

materials, color, related landscaping, and cohesiveness of the sign in relation to the principal building(s) and other signs on the premises and contiguous area, and shall prepare a recommendation for approval, approval with conditions, or denial of the application. The recommendation of the Architectural Review Board will be transmitted to the zoning administrator for inclusion in the zoning administrator's report to the Planning Commission.

- (7) The Architectural Review Board will meet twice a month to review submissions from the zoning administrator. The Architectural Review Board will meet on the first and third Wednesdays of the month at 3:30 pm in the city council chambers. Official notification will be given to the public, as required, if days, time or meeting venue changes. The Architectural Review Board will make a recommendation to approve, approve with conditions, or deny the application and such recommendation will be forwarded to the Planning Commission for consideration at the next Planning and Zoning meeting.
 - (8) Based on review of the permit application and the recommendations of the zoning administrator, the Architectural Review Board and the Planning Commission, the Mayor and Council shall take such action that it deems appropriate to approve, approve with conditions, or deny the application no later than 60 calendar days from the receipt of the complete application. An action to deny an application shall be based on reasons for such denial and stated or submitted in writing for the record.
 - (9) Upon approval or approval with conditions by the Mayor and Council, the zoning administrator shall issue a permit accordingly.
 - (10) If no decision is made within 60 calendar days by the Mayor and Council, the permit will be deemed denied, unless an extension of time is requested by the applicant and agreed to by the Mayor and Council prior to the expiration of the 60 day period.
 - (11) Recordation of approved master sign plan.
 - a. Following approval or approve with conditions of the sign permit, the master sign plan as approved or revised accordingly shall be recorded by the owner in the office of the Clerk of Superior Court prior to issuance of a certificate of occupancy for the development or final sign inspection approval, whichever first occurs, and such master sign plan shall be included in any sale, lease or other transfer of right of occupancy affecting any part of the development or premises to which the master sign plan applies.
 - b. A copy of the approved master sign plan, as recorded, shall be filed with the zoning administrator prior to issuance of any certificate of occupancy for the development or final sign inspection approval, whichever first occurs.
 - c. All tenants of the property or development, whether an owner, lessee, subtenant, purchaser or other occupant, shall comply with the approved master sign plan.
 - (12) Approval, approval with conditions, or denial of the application for change-outs of the face of existing building signs, the face of freestanding signs and tenant signs on a freestanding sign structure shall be determined by the zoning administrator as long as no new sign structure is being proposed. If the sign comes down completely, then it will have to go through the full review process.
- (d) *Applications for temporary sign permits.*
- The placement of a temporary event sign allowed under Section 13 must be authorized by the prior issuance of a temporary sign permit unless the event is exempted from obtaining a permit under the provisions of this Article.
- (1) Each application for a temporary event sign permit shall be accompanied by the applicable permit fees except an application for permit from a bona fide nonprofit organization. Fees for permits shall be fixed from time to time by the Mayor and Council.

- (2) Applications for permits shall be made upon forms provided by the city, shall be submitted in the number of complete copies as required by the zoning administrator, and shall contain or have attached thereto the following applicant and property information:
 - a. Name, address and telephone number of the applicant.
 - b. Address of building, structure, or parcel to which or upon which the sign is to be attached or erected.
 - c. Name, address, and telephone number of the person erecting the sign.
 - d. Written consent of the owner, lessor or manager of the building or parcel to which or upon which the sign is to be erected.
- (3) Upon the filing of an application for a temporary sign permit, the zoning administrator shall, within 2 business days, determine if the application is complete in all respects as required by Section 14(d)(2), above. Incomplete applications will be returned to the applicant as though no application had been received.
- (4) Upon the determination that an application is complete, within 5 business days the zoning administrator shall approve, approve with conditions, or deny the application. An action to deny an application shall be based on reasons for such denial and stated or submitted in writing for the record.
- (e) *Sign permit denial and appeal procedures.*
 - (1) The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this Article or contain any materially false statements. Violation of any provision of this Article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this Article, the zoning administrator shall revoke the permit. Should the Mayor and Council deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before thirty (30) calendar days after the city received the completed application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within thirty (30) calendar days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of on the date of original submission. Actions to revoke a permit shall be in writing, shall document the basis for the revocation, and shall be served in the same manner as a notice of denial.
 - (2) A permittee whose permit has been revoked may appeal the decision to the city council, provided such appellant files a written notice of appeal with the city manager within ten (10) business days of the zoning administrator's notice. Such appeal shall be considered by the city council at the next meeting held after the city's receipt of the written notice of appeal, provided that such notice of appeal is received a minimum of seven (7) business days before the next meeting. Appeal notices received within seven (7) days of a scheduled city council meeting shall be heard at the next regularly scheduled meeting more than seven (7) days following receipt of appeal. The city council shall issue a written decision to the applicant. Decisions of the city council to affirm the decision of the zoning administrator or to overrule the decision of the zoning administrator and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation.
 - (3) In the event a permit holder whose permit has been revoked is dissatisfied with the decision of the city council, such permit holder may petition for writ of certiorari to the superior court within 30 days of such denial.

Section 15. - Permit exceptions.

The permit requirements of this Article shall not apply to the following provided that the signs or devices erected or placed are located on property of the person who erects such signs; and provided further, that all signs exempted from the permit requirements shall nevertheless be maintained in accordance with the provisions of this Article.

- (1) Flags on residential or nonresidential use properties meeting the standards of Section 12(e) do not require a sign permit for the flag. Flags mounted on a flagpole require a permit for the permanent flagpole itself. Permanent flagpoles located on nonresidential use properties are considered permanent signs and must comply with the requirements of this Article as such.
- (2) Miscellaneous freestanding signs, provided that:
 - a. The signs are located entirely on private property; and
 - b. They are non-illuminated.
- (3) Signs associated with the following temporary events, provided that such signs comply with all applicable requirements of Section 13:
 - a. The offering of a property or premises for sale or rent.
 - b. An election, political campaign, referendum or ballot proposition put to the voters as part of city, county, state or federal governance.
 - c. A yard sale, limited to signage located on the property where the sale is to be conducted.
- (4) Repainting or maintenance on the face of an existing conforming sign.

Section 16. - Nonconforming signs.

- (a) Signs that, on the effective date of this Article or any amendments thereto, were approved and legally erected under previous sign restrictions, and that became or have become non-conforming with respect to the requirements of this Article due to such adoption or amendment thereof, may continue in existence subject to the remaining provisions of this Section.
 - (1) No increase in size of the nonconforming sign shall be permitted.
 - (2) Existing signs that were legally erected and that have become non-conforming and do not meet the setback requirements of this Article due to road widening may be moved to meet the setback requirement of this Article but shall not be increased in size, shape or changed in any manner except as to become conforming.
 - (3) In all zoning districts, the following signs shall be prohibited and shall be removed by the owner:
 - a. Signs illegally erected or maintained with respect to prior ordinances.
 - b. Signs located in the public right-of-way (except as permitted by this Article).
- (b) Upon failure to comply with any requirement of this Section, the zoning administrator or his authorized agent may cause the removal of such sign at the expense of the owner.
- (c) Any attempt to add LED sign-face on a nonconforming sign shall negate its nonconforming status and require its removal.
- (d) Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this Article; provided that signs damaged by fire or act of God may be restored to their original condition.

- (e) The provisions of this Section shall be enforced by the zoning administrator, with the aid of the police department and other city agencies.

Section 17. - Inspections.

The zoning administrator shall periodically inspect each permanent and temporary conforming and non-conforming sign in an attempt to ascertain whether the same is secure or insecure, and whether it is in compliance with the requirements of this Article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.

Section 18. - Removal procedure.

- (a) The zoning administrator shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign or a sign for which no permit has been issued or which is otherwise in violation of this Article. The zoning administrator shall prepare a written notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within (30) days, the sign shall be removed in accordance with the provisions of this section.
- (b) All notices mailed by the zoning administrator shall be sent by certified mail and first class mail. Any time periods provided in this Section shall be deemed to commence on the date of the receipt of the certified mail, or if the first class mail is not returned, after three days of mailing.
- (c) The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any of such persons is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.
- (d) Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing a written notice of appeal within ten (10) days after receipt of notice.
- (e) Notwithstanding the above, in cases of emergency, the zoning administrator may cause the immediate removal of a dangerous or defective sign without notice.
- (f) Any sign removed by the zoning administrator pursuant to the provisions of this Section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.
- (g) When it is determined by the zoning administrator that the sign would cause imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the zoning administrator shall document the imminent danger and attempts to contact the sign owner, and may correct the danger, all costs being charged to the sign owner and property owner.
- (h) If it shall be necessary for the zoning administrator to remove a sign pursuant to the provisions of this Section, and it should be practicable to sell or salvage any material derived in the removal, he may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Where the proceeds derived from such a sale are less than the cost of removal, such deficiency shall constitute a

lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.

Section 19. - Variances.

- (a) Variances may be granted by the Mayor & Council from the application of the provisions of this Article only if all of the following findings are made:
 - (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property;
 - (2) That because of such physical circumstances or conditions, signage cannot be erected in strict conformity with the provisions of this Article without undue hardship to the property;
 - (3) That granting the variance will not result in authorization of a sign not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.
- (b) The procedures for consideration of sign variances shall be the same as for variances generally.

Section 20. - Noncommercial speech protected.

It is not the intent of this Article to regulate the content of speech through signage controls. To the extent any court of competent jurisdiction interprets any provision of this Article to restrict the content of speech, it is the intent of the City Council that all allowable signs may display a personal (noncommercial) message in addition to, or in lieu of, any other message.

Section 2. All ordinances or parts of ordinance in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This Ordinance shall be effective upon its adoption.

SO ORDAINED, this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk